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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,809	03/26/2004	Tetsuya Ikuta	042278 7816	
38834	7590 06/10/2005		EXAMINER	
	AN, HATTORI, DANIE	LE, THAO X		
1250 CONNECTICUT AVENUE, NW SUITE 700		ART UNIT	PAPER NUMBER	
	ON, DC 20036		2814	.,

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/809,809	IKUTA ET AL.			
		Examiner	Art Unit			
		Thao X. Le	2814			
The MAILING DATE of this Period for Reply	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communica	tion(s) filed on <u>26 M</u>	arch_2004.				
2a) ☐ This action is FINAL .	2b)∐ This	action is non-final.				
•	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with	the practice under <i>E</i>	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.			
Disposition of Claims						
4)⊠ Claim(s) <u>1-20</u> is/are pendi	ng in the application.					
4a) Of the above claim(s) _	is/are withdrav	vn from consideration.				
5) Claim(s) is/are allow	ved.					
	6) Claim(s) is/are rejected.					
	7) Claim(s) is/are objected to.					
8) Claim(s) 1-20 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objecte	d to by the Examine	r.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) ☐ The oath or declaration is o	bjected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
AMLand/-)						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of References ched (170-032) 3) Information Disclosure Statement(s) (Paper No(s)/Mail Date		Paper No(s)/Mail D	ate Patent Application (PTO-152)			

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-8, drawn to a semiconductor device, classified in class 257, subclass 288+, 368+.
 - II. Claims 9-20, drawn to method of making a semiconductor device, classified in class 438, subclass 197⁺.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. For instant, the silicon oxynitride film can be deposited on the surface of the semiconductor substrate instead of introducing the nitrogen in the silicon oxide film.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao X. Le whose telephone number is (571) 272-1708. The examiner can normally be reached on M-F from 8:00 AM 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M. Fahmy can be reached on (571) 272 -1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thao X. Le Patent Examiner 07 June 2005